

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JENNIE MARIE LOONEY,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:20-cv-00401-HBK

ORDER GRANTING PLAINTIFF'S MOTION
FOR ATTORNEY'S FEES AND COSTS
UNDER THE EQUAL ACCESS TO JUSTICE
ACT

(Doc. No. 26)

Pending before the Court is Plaintiff's motion for attorney fees filed August 17, 2021. (Doc. No. 26). Plaintiff seeks attorney's fees in the amount of \$8,500.00 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (*Id.*).

On May 21, 2021, this Court granted the parties' Stipulation for Voluntary Remand pursuant to Sentence Four of 42 U.S.C. § 405(g) and reversed and remanded the case to the Commissioner for further administrative proceedings. (Doc. No. 24). The Clerk entered judgment in favor of Plaintiff the same day. (Doc. No. 25). Plaintiff, the prevailing party, now requests an award of fees. *See* 28 U.S.C. § 2412(a) & (d)(1)(A); Fed. R. Civ. P. 54(d)(1); *see* 28 U.S.C. § 1920; *cf.* *Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party).

The Commissioner stipulates to the requested relief. (Doc. No. 26). After issuance of an order awarding EAJA fees and costs, however, the United States Department of the Treasury will

1 determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal
2 debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to
3 Plaintiff's counsel.

4 Accordingly, it is **ORDERED**:

5 1. Plaintiff's motion for attorney's fees (Doc. No. 26) is **GRANTED**.

6 2. Plaintiff is awarded fees in the amount of \$8,500.00 (eight thousand five hundred
7 dollars). Unless the Department of Treasury determines Plaintiff owes a federal debt, the
8 government must pay the fees to Plaintiff's counsel in accordance with Plaintiff's assignment of
9 fees and subject to the terms of the stipulated motion.

10
11 Dated: August 18, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE